



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

Date: July 13, 2000

ITEM 9 -- Adoption of Proposed Regulatory Language to Amend Section 3550.13, Construction Aggregate Resources, Fresno Production-Consumption Region, of the California Code of Regulations, Title 14, Chapter 8, Subchapter 1, Article 2

BACKGROUND: Article 6 of the Surface Mining and Reclamation Act of 1975, commencing with § 2790, provides for the State Mining and Geology Board (SMGB), based upon mineral information from the State Geologist pursuant to subdivision (c) of Public Resources Code § 2761, to adopt in regulation specific geographic areas of the state as areas of statewide or regional mineral resource significance and specify the boundaries of those areas. Section 2793 of the Public Resources Code also provides that the SMGB may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board no longer is required.

At its December 7, 1999 regular business meeting, the Joint Committee reviewed an analysis by the Division of Mines and Geology of the findings of its Open File Report 99-02, Update of Mineral Land Classification; Aggregate Minerals in the Fresno Production-Consumption Region, California. The Committee agreed with the findings of the Division's analysis that all or part of specific geographic sectors designated in California Code of Regulations (CCR) § 3550.13 as mineral resource areas should be removed from designation status because mineral resources in these sectors have been exhausted. On January 13, 2000 the SMGB approved the Committee's recommendation to remove specific mineral designated sectors from CCR § 3550.13.

The proposed regulation revises CCR § 3550.13 to reflect the deletion from the designation maps of the following sectors, or portions of sectors: A 48-acre part of Sector K-10a; a 7-acre part of Sector K-10b; a 64-acre part of the western half of Sector S-5a; a 76-acre part of the eastern half of Sector S-5a; all of Sector S-6 (313 acres); all of Sector S-7b (25 acres); all of Sector S-10a (29 acres); a 179-acre part of Sector S-10b; a 165-acre part of Sector S-11b; a 19-acre center part of Sector S-14; a 7-acre eastern part of Sector S-14; a 36-acre southern part of Sector S-19; and a 134-acre northern part of Sector S-19.

On February 10, 2000 the Joint Committee recommended the proposed regulatory language for SMGB consideration. At its regularly scheduled meeting on March 9, 2000 the SMGB accepted the proposed regulatory language and ordered the adoption process to commence. The proposed regulatory language was sent out for public review and comment on May 5, 2000. No public comments were received by the close of the 45-day comment period on June 19, 2000.

PROPOSAL: It is proposed that the State Mining and Geology Board adopt the following language into regulation so as to amend CCR § 3550.13 to reflect those geographic areas within the Fresno Production-Consumption Area still requiring SMGB involvement.

§ 3550.13 Construction Aggregate Resources, Fresno Production-Consumption Region.

A set of maps identifying the exact locations of the designated resource areas entitled, "Regionally Significant Construction Aggregate Resource Areas in the Fresno Production-Consumption Region," February 2000, is incorporated by reference into this regulation. These maps are available from the State Mining and Geology Board's office in Sacramento.

The construction aggregate deposits in the following areas are designated as being of regional significance:

Sector K – Alluvial deposits of the Kings River between Avocado Lake on the northeast and the Southern Pacific Railroad tracks on the southwest.

Sector S – Portions of the San Joaquin River floodplain between Friant Dam and Highway 99.

Note: Authority cited: Section 2790, 2793, Public Resources Code; Reference: Sections 2726, 2761-63 and 2790-93, Public Resources Code.

RECOMMENDATION: The Executive Officer certifies that the regulatory adoption process has been completed in accordance with the California Administrative Procedure Act, and recommends the SMGB adopt the proposed regulatory language.